

**Johnson, Andy**

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**From:** cmecf\_ALND@alnd.uscourts.gov  
**Sent:** Friday, January 27, 2006 4:07 PM  
**To:** ecfAdmin@alnd.uscourts.gov  
**Subject:** Activity in Case 2:06-cv-00101-RRA Schuck v. Guidant Corporation et al "Order on Motion to Stay"

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**U.S. District Court**

**Northern District of Alabama**

**Notice of Electronic Filing**

The following transaction was received from JTR, entered on 1/27/2006 at 4:07 PM CST and filed on 1/27/2006

**Case Name:** Schuck v. Guidant Corporation et al

**Case Number:** 2:06-cv-101

**Filer:**

**Document Number:**

**Docket Text:**

ORDER granting [5] Motion to Stay. All proceedings in this case are STAYED pending transfer of the above captioned case to the MDL Court. Signed by Judge Robert R. Armstrong on 01/27/06. (JTR)

The following document(s) are associated with this transaction:

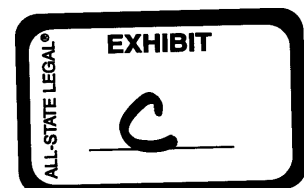
**2:06-cv-101 Notice will be electronically mailed to:**

F M Haston , III thaston@bradleyarant.com

Andrew B Johnson ajohnson@bradleyarant.com

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6/12/2006

Case 2:05-cv-04044-ILRL-JCW Document 6 Filed 12/02/2005 Page 1 of 1

**FILED**

2006 Jan-24 PM 04:06  
U.S. DISTRICT COURT  
U.S. DISTRICT COURT N.D. OF ALABAMA  
EASTERN DISTRICT OF LA

2005 DEC -2 PM 4:44

LORETTA G. WHYTE  
CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**KENNETH R. CASANOVA,**  
Plaintiff

versus

**GUIDANT CORPORATION, GUIDANT  
SALES CORPORATION,**  
Defendants

\* CIVIL ACTION NO. 05-4044  
\*  
\* SECTION C  
\*  
\* JUDGE BERRIGAN  
\*  
\* MAGISTRATE 1  
\*  
\* MAG. JUDGE SHUSHAN  
\*  
\*

\*\*\*\*\*

**ORDER**

Considering the foregoing Motion,

IT IS ORDERED, ADJUDGED AND DECREED that the Unopposed Motion to Stay Pending Transfer submitted by Guidant Corporation and Guidant Sales Corporation is hereby GRANTED. This case is stayed pending transfer to the MDL Court in the District of Minnesota.

New Orleans, Louisiana, this 30<sup>th</sup> day of Nov, 2005.

  
UNITED STATES DISTRICT JUDGE

Fee \_\_\_\_\_  
Process \_\_\_\_\_  
X Dkt'd \_\_\_\_\_  
CtRm/Dep \_\_\_\_\_  
Doc. No. \_\_\_\_\_

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA  
2005 NOV 30 AM 12:01  
LORETTA G. WHYTE  
CLERK

Fee \_\_\_\_\_  
 Process \_\_\_\_\_  
☒ Dktid \_\_\_\_\_  
☒ ClRmDsp. \_\_\_\_\_  
 Doc. No. \_\_\_\_\_

Case 8:05-cv-01456-RAL-MSS Document 11 Filed 11/04/2005 Page 1 of 2

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**ROBERT HABERLE,**

**Plaintiff,**

**v.**

**CASE NO: 8:05-cv-1456-T-26MSS**

**GUIDANT CORP., et al.,**

**Defendants.**

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**ORDER**

**UPON DUE CONSIDERATION, it is ORDERED AND ADJUDGED as follows:**

- 1) Defendant's Unopposed Motion for Enlargement of Deadlines to Answer or Otherwise Respond and to Participate in Pretrial Proceedings Pending JPML Determination (Dkt. 10) is granted.
- 2) All proceedings in this case are stayed pending a transfer decision by the Judicial Panel on Multidistrict Litigation.
- 3) The Clerk is directed to administratively close this case during the pendency of the stay, subject to the right of any party to file a motion to reopen in the event the JPML denies transfer.

Case 8:05-cv-01456-RAL-MSS Document 11 Filed 11/04/2005 Page 2 of 2

**DONE AND ORDERED** at Tampa, Florida, on November 4, 2005.

s/  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record

Case 8:05-cv-01606-EAK-TGW Document 12 Filed 11/04/2005 Page 1 of 2

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**KENNETH J. PEPPER,**

**Plaintiff,**

**vs.**

**CASE NO. 8:05-CIV-1606-T-17-TGW**

**GUIDANT CORPORATION, et al.,**

**Defendant.**

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**ORDER**

This cause is before the Court on the defendants' unopposed motion for extension of time to file answer or otherwise plead and to participate in pretrial proceedings pending JPML determination (Docket No. 11). Accordingly, it is

**ORDERED** that the motion for extension of time to file answer or otherwise plead and to participate in pretrial proceedings pending JPML determination (Docket No. 11) be granted. The defendants must answer or otherwise respond to the complaint as follows: a) if the motion to transfer and consolidate is granted by the JPML, a deadline set by the transferee court; or (b) if the motion is denied by the JPML, thirty (30) days after such denial and the deadline by which the parties must participate in any pretrial proceedings – including, initiation of discovery requests, participation in pretrial disclosures, scheduling or case management activities in connection with Fed. R. Civ. P. 16 or 26 or Local Rule 3.05 and

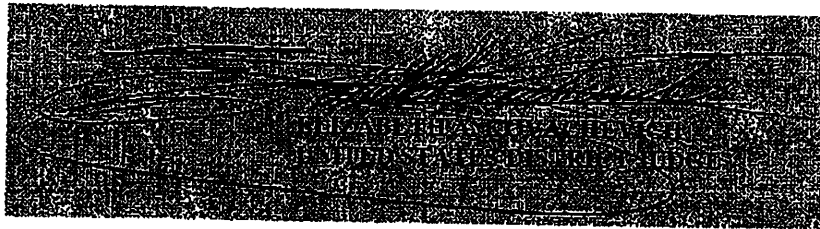
Case 8:05-cv-01606-EAK-TGW Document 12 Filed 11/04/2005 Page 2 of 2

CASE NO. 94-1644-CIV-T-17

CASE NO. 8:05-CIV-1606-T-17-TGW

attendance at any meeting, conference or hearing – as follows: (a) if the motion to transfer and consolidate is granted by the JPML, a deadline set by the transferee court; or (b) if the motion is denied by the JPML, no earlier than sixty (60) days after such denial.

**DONE and ORDERED** in Chambers, in Tampa, Florida, this 4th day of November, 2005.



Copies to: All parties and counsel of record

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**FILED**

**ROBERT EARL SMITH, as  
Personal Representative of the Estate  
of BOBBY SMITH, deceased,  
Plaintiff,**

2005 NOV -9 1P 1:19

CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

v.

Case No.: 3:05-cv-728-J-20MCR

**GUIDANT CORPORATION,  
Defendant.**

**ORDER**

Before the Court is Defendant's Motion for Entry of Extension of Deadlines to Participate in Pretrial Proceedings Pending JPML Determination (Doc. No. 21, filed October 6, 2005) which the Court construes as a Motion to Stay Pretrial Proceedings Pending Determination by Judicial Panel on Multidistrict Litigation. Upon due consideration, the Court finds that a stay furthers the interests of judicial efficiency and is appropriate in this case. Accordingly, the Defendant's Motion (Doc. No. 21) is **GRANTED**. The Court cannot, as Defendant requests, grant an undefined and seemingly unlimited extension in this case pending the Panel's determination. Therefore, this case, including the Parties' discovery and case management obligations, is hereby **STAYED** for a period of ninety (90) days. The Parties are directed to notify the Court of any decision by the Judicial Panel on Multidistrict Litigation and pretrial deadlines will be established at that time.

**DONE AND ENTERED** at Jacksonville, Florida, this 17 day of November, 2005.

  
**HARVEY E. SCHLESINGER**  
United States District Judge

Copies to:  
James B. Murphy, Jr., Esq.  
Matthew B. Murphy, Jr., Esq.  
Timothy A. Pratt, Esq.



Deborah A. Moeller, Esq.  
John K. Sherk, III, Esq.  
Robert F. Spohrer, Esq.  
Norwood S. Wilner, Esq.

Case 5:05-cv-00379-WTH-GRJ Document 10 Filed 11/04/2005 Page 1 of 2

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

RICHARD JAMES REBONE,

Plaintiff,

v.

Case No. 5:05-cv-379-Oc-10GRJ

GUIDANT CORPORATION; CARDIAC  
PACEMAKERS, INC.; GUIDANT SALES  
CORPORATION,

Defendants.

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**ORDER**

Pending before the Court is Defendants' Unopposed Motion For Enlargement Of Deadlines To Answer Or Otherwise Respond And To Participate In Pretrial Proceedings Pending JPML Determination. (Doc. 9.)

This is a products liability action regarding a line of cardiac medical devices manufactured by Cardiac Pacemakers, Inc., a wholly-owned subsidiary of Guidant Corporation. Defendants represent that in a number of cases pending against them in federal courts in various districts, plaintiffs have filed motions to transfer and consolidate their cases in the proceedings entitled *In re: Guidant Corp. Implantable Defibrillators Products Liability Litigation*, MDL Docket No. 1708. On September 23, 2005, Defendants notified the Judicial Panel of Multidistrict Litigation ("JPML") of this potential "tag-along action."<sup>1</sup> The issues related to transfer and consolidation of these cases has been fully briefed and the JPML held its hearing on the matter on September 29, 2005.

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<sup>1</sup> See Doc. 9, Exhibit A.

The Court previously granted Defendants a thirty-day enlargement of time to file a response to Plaintiff's Complaint.<sup>2</sup> Now, Defendants request that the Court further enlarge their time to file a response to Plaintiff's Complaint and extend the deadline by which the parties must participate in any pretrial proceedings (i.e. discovery, pretrial disclosures, scheduling or case management activities). Defendants represent that Plaintiff has no objection to this motion.

Under these circumstances, a stay is appropriate. This case is in the very early stages of litigation. Plaintiff filed his Complaint (Doc. 1) on August 30, 2005. It does not make sense for this Court and the parties to invest their time and resources in this case, if it is ultimately going to be transferred by the JPML.

Accordingly, Defendants' Unopposed Motion For Enlargement Of Deadlines To Answer Or Otherwise Respond And To Participate In Pretrial Proceedings Pending JPML Determination (Doc. 9) is **GRANTED**. This action is **STAYED** pending further order of the Court. However, in order to insure that this action is promptly transferred and to avoid this action remaining inactive in the event the request for transfer is not granted, Defendants shall file a status report with the Court within 60 days regarding the status of the transfer by the JPML.

**IT IS SO ORDERED.**

**DONE AND ORDERED** in Ocala, Florida, on November 4, 2005.

  
\_\_\_\_\_  
**GARY R. JONES**  
United States Magistrate Judge

Copies to:  
All Counsel

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<sup>2</sup> See Doc. 4.

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

CHRISTOPHER J. CIPOLLA,

Plaintiff,

v.

GUIDANT CORPORATION and  
GUIDANT SALES CORPORATION,

Defendants.

No. 05-0939-CV-W-DW

ORDER

Pending before the Court is Defendants' motion to extend the deadlines for various pretrial proceedings pending a transfer decision by the Judicial Panel on Multidistrict Litigation ("JPML"). On October 18, 2005, this case was noticed to the JPML as a "tag-along action" pursuant to Rule 7.5(e) of the Rules for the Judicial Panel on Multidistrict Litigation. Plaintiff has no objection. Accordingly, the Court stays this action pending the JPML transfer decision.<sup>1</sup>

IT IS SO ORDERED.

/s/ DEAN WHIPPLE

Dean Whipple  
United States District Court

Date: November 8, 2005

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<sup>1</sup> The Court will address extensions to specific pretrial deadlines as necessary if the motion to transfer is denied. The parties are directed to apprise the Court of the outcome of the JPML determination as appropriate.

Case 4:05-cv-01007-SOW Document 5 Filed 12/01/2005 Page 1 of 1

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

JEROME TERRY, JR.,

Plaintiff,

vs.

GUIDANT CORPORATION, et al.,

Defendants.

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No. 05-1007-CV-W-SOW

ORDER

Before the Court is Defendants' Unopposed Motion to Postpone All Proceedings In This Court Pending MDL Transfer (Doc. # 4). Defendants move to postpone all deadlines for defendants to answer or otherwise respond to the Complaint, and for the parties to participate in pretrial proceedings, including discovery, pending transfer of this action to MDL. Plaintiff has no objections.

Accordingly, it is hereby

ORDERED that Defendants' Unopposed Motion to Postpone All Proceedings In This Court Pending MDL Transfer (Doc. # 4) is granted. All proceedings in this Court are postponed pending transfer of the above-captioned case to the MDL.

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: 12-1-05

Case 3:05-cv-00309-MCR-MD Document 11 Filed 10/18/2005 Page 1 of 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

ANTHONY MICELLI

VS

CASE NO. 3:05cv309/MCR/MD

GUIDANT CORPORATION, et al

REFERRAL AND ORDER

Referred to Judge Rodgers on OCTOBER 18, 2005  
Type of Motion/Pleading: MOTION FOR ENTRY OF EXTENSION OF DEADLINES  
PENDING JPML DETERMINATION  
Filed by: DEFENDANTS on 10/6/05 Document 9  
( ) Stipulated/Consented/Joint Pleading  
RESPONSES:

\_\_\_\_\_ on \_\_\_\_\_ Doc.# \_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_ Doc.# \_\_\_\_\_  
WILLIAM M. McCOOL, CLERK OF COURT  
s/L. James  
Deputy Clerk

ORDER

Upon consideration of the foregoing, it is ORDERED this 18th day of October, 2005, that:

The requested relief is GRANTED as follows: The case and all further court proceedings are stayed for a period of sixty (60) days, at the end of which time defendants shall notify the court in writing of the status of the JPML's decision on transfer.

s/ M. Casey Rodgers

M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE

Entered On Docket: \_\_\_\_\_ By: \_\_\_\_\_  
Rules 58 & 79(a) FRCP or 32(d)(1) & 55 FRCP  
Copies sent to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case 1:05-cv-00720-UA-RAE Document 15 Filed 11/22/2005 Page 1 of 2

*copy  
note*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

No. 1:05CV00720

FRED M. LYLE AND SPOUSE MARTHA J.  
LYLE, INDIVIDUALLY AND ON BEHALF OF  
ALL OTHERS SIMILARLY SITUATED

Plaintiffs,

v.

GUIDANT CORPORATION AND GUIDANT  
SALES CORPORATION

Defendants.

ORDER FOR EXTENSION OF  
DEADLINES TO ANSWER OR  
OTHERWISE RESPOND AND TO  
PARTICIPATE IN PRETRIAL  
PROCEEDINGS PENDING J.P.M.L.  
DETERMINATION

This matter came on before the undersigned on Defendants' Motion for Entry of Order for Extension of Deadlines to Answer or Otherwise Respond and to Participate in Pretrial Proceedings Pending J.P.M.L. Determination. For good cause shown, the Court finds and orders that the deadline by which Defendants must answer or otherwise respond to Plaintiffs' Complaint in this action is as follows: (a) if those motions to transfer and consolidate are *granted* by the J.P.M.L., a deadline set by the transferee court; or (b) if those motions are *denied* by the J.P.M.L., thirty (30) days after such denial.

Additionally, the Court finds and orders the deadline by which the parties must participate in any pretrial proceedings – including initiation of discovery requests, participation in pretrial disclosures or activities in connection with Fed. R. Civ. P. 16 or 26 or appropriate Local Rules, and attendance at any meet-and-confer conferences or hearings – is as follows: (a) if those motions to transfer and consolidate are *granted* by the J.P.M.L., a deadline set by the

Case 1:05-cv-00720-UA-RAE Document 15 Filed 11/22/2005 Page 2 of 2

transferee court; or (b) if those motions are *denied* by the J.P.M.L., no earlier than sixty (60) days after such denial.

AND IT IS SO ORDERED this 22<sup>nd</sup> day of November, 2005.

  
United States Magistrate Judge Russell A. Eliason



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 05-80851-RYSKAMP-VITUNAC

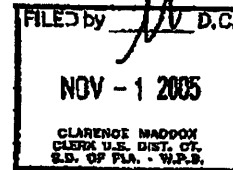
ERIC HARKONEN and VICKIE HARKONEN

Plaintiffs,

vs.

GUIDANT CORPORATION and GUIDANT  
SALES CORPORATION

Defendant.



**STIPULATION AND ORDER FOR EXTENSION OF DEADLINES TO  
ANSWER OR OTHERWISE RESPOND AND TO PARTICIPATE IN  
PRETRIAL PROCEEDINGS PENDING J.P.M.L. DETERMINATION**

IT IS HEREBY STIPULATED AND AGREED by and between Defendants Guidant Corporation and Guidant Sales Corporation (collectively "Defendants") and Plaintiffs that the deadline for Defendants to answer or otherwise respond to Plaintiffs' Complaint, and the deadlines for all parties to participate in pretrial proceedings in this matter, shall be extended pending a transfer decision by the Judicial Panel on Multidistrict Litigation ("J.P.M.L.").

In a number of cases pending against Defendants in federal courts in various states, plaintiffs have filed motions to transfer and to consolidate their cases under 28 U.S.C. § 1407 in the proceedings entitled *In re: Guidant Corp. Implantable Defibrillators Products Liability Litigation*, MDL Docket No. 1708. The J.P.M.L. heard argument on these motions on September 29, 2005.

In the short intervening time between now and a determination by the J.P.M.L. on whether to grant those motions, the time and resources of the Court and of the parties should not

RS  
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CASE NO.: 03-80851-RYSKAMP-VITUNAC

be expended in answering or responding to the Complainant or in participating in pretrial proceedings.

Pursuant to this Stipulation and Order, the deadline by which Defendants must answer or otherwise respond to Plaintiffs' Complaint in this action is as follows: (a) if those motions to transfer and consolidate are *granted* by the J.P.M.L., a deadline set by the transferee court; or (b) if those motions are *denied* by the J.P.M.L., thirty (30) days after such denial.

Additionally, pursuant to this Stipulation and Order, the deadline by which the parties must participate in any pretrial proceedings -- including initiation of discovery requests, participation in pretrial disclosures or activities in connection with Fed. R. Civ. P. 16 or 26 or Local Rule 16.1, and attendance at any meet-and-confer conferences or hearings -- is as follows: (a) if those motions to transfer and consolidate are *granted* by the J.P.M.L., a deadline set by the transferee court; or (b) if those motions are *denied* by the J.P.M.L., no earlier than sixty (60) days after such denial.

Dated: Palm Beach Gardens, Florida  
October \_\_, 2005

RICCI-LEOPOLD, P.A.

By: 

Theodore J. Leopold, Esquire  
Benjamin Salzillo, Esquire  
Attorneys for Plaintiff  
2925 PGA Blvd., Suite 200  
Palm Beach Gardens, FL 33410  
Tel: 561-684-6500  
Fax: 561-697-2383

003601

CASE NO.: 05-80851-RYSKAMP-VITUNAC

Dated: Miami, Florida  
October 11, 2005

SHOOK, HARDY & BACON LLP.

By: *William J. Moss*  
William J. Moss, Esquire  
Attorneys for Defendants  
Guidant Corporation and Guidant Sales  
Corporation  
Miami Center, Suite 2400  
201 S. Biscayne Boulevard  
Miami, Florida 33131-4332  
Telephone: (305) 358-5171  
Facsimile: (305) 358-7470

SO ORDERED:

*Kenneth L. Rykamp*  
KENNETH L. RYKAMP  
UNITED STATES DISTRICT JUDGE

11-1-05